

**APPLICANT:** David Dean Rowley *et al.*  
**SERIAL NO.:** 10/060,345  
**DOCKET NO.:** 23415-012  
**CUSTOMER NO.:** 29315

### **Remarks**

Applicants thank the Examiner for considering the document cited in the Information Disclosure Statements filed on January 14, 2004.

Applicants thank the Examiner for considering the "U.S. patent documents" cited in the Information Disclosure Statement filed on May 28, 2002, as acknowledged by the signed forms PTO-1449. Applicants respectfully note that the Examiner has not considered the "other documents" listed on the Information Disclosure Statements filed on February 1, 2002 and May 28, 2002 because they allegedly are of improper format. Applicants are resubmitting these documents to the USPTO in proper format for consideration.

Applicants note that while the Examiner has signed the electronic Information Disclosure Statement filed on September 15, 2003, the Examiner has not initialed next to each of the cited documents. Thus, the Examiner is requested to return a signed and initialed electronic Information Disclosure Statement evidencing consideration of these references.

Claims 1-46 are all the claims pending in this application. Claims 47 and 48 are canceled by this Amendment. Selected claims are amended to clarify and more particularly indicate the claimed subject matter. No new matter is included. The amendments are made for the purpose of expediting prosecution and are not made to overcome claim rejections. Reconsideration and allowance of all of the rejected claims are respectfully requested in view of the foregoing remarks.

### ***Claim Objections***

Claims 7 and 14 are objected to for informalities in the form of typographical mistakes. Appropriate corrections have been made to these claims. Thus, the Examiner is requested to remove this objection.

### ***Claim Rejection under 35 U.S.C. §101***

Claim 1-20, 47 and 48 stand rejected under 35 U.S.C. §101 because they allegedly are not embodied on a computer-readable medium. Claims 47 and 48 are canceled, thereby rendering their rejection moot. Claims 1-20 are amended to overcome this rejection. Thus, the Examiner is requested to remove this rejection.

APPLICANT: David Dean Rowley *et al.*  
SERIAL NO.: 10/060,345  
DOCKET NO.: 23415-012  
CUSTOMER NO.: 29315

*Claim Rejection under 35 U.S.C. §103*

Claims 1-5, 7, 9-12, 14-19, 21-25, 27-32, 34-38, 40-45 and 47-48 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Papadopoulos (USP 6,099,320) in view of Johnston *et al.* (USP 2002/0103882). Applicants respectfully traverse this rejection on the following basis.

Independent claims 1, 14 and 40 recite, *inter alia*, two or more virtual machines installed on a single local computer, wherein the two or more virtual machines are implemented using different operating system environments. Independent claims 21 and 34 recite, *inter alia*, launching, on the single local computer, the two or more virtual machines associated with the selected exercises, wherein the two or more virtual machines are implemented using different operating system environments. Independent claim 27 recites, *inter alia*, determining virtual machines that are associated with the selected at least one exercise, wherein two or more virtual machines are implemented using different operating system environments. Independent claim 7 recites, *inter alia*, two or more virtual machines associated with a virtual machine platform, wherein the two or more virtual machines are installed on a single local computer, and wherein the two or more virtual machines are associated with different operating system environments. In an exemplary embodiment, a virtual machine is defined to include an operating system and application programs that run on top of the operating system (see the specification at page 8, lines 13-14, and Fig. 4). In another exemplary embodiment, a virtual machine platform is a software layer that allows multiple operating system environments to run concurrently using the same hardware resources of a computer system (see the specification at page 8, lines 5-7).

The Examiner analogizes a virtual machine to a course. In particular, the Examiner alleges that “Papadopoulos discloses a database (i.e., VIP directory) that determines the one or more virtual machines (i.e., courses)” (see page 3, paragraph number 1 of the March 30, 2004 office action). Applicants respectfully submit that Papadopoulos’ course may not be properly analogized to a virtual machine for at least the reason that Papadopoulos’ course does not disclose two or more courses that are implemented using different operating system environments. Rather, Papadopoulos discloses a computer having a single operating system accessible by an author (see Papadopoulos, col. 7, lines 8-10).

**APPLICANT:** David Dean Rowley *et al.*  
**SERIAL NO.:** 10/060,345  
**DOCKET NO.:** 23415-012  
**CUSTOMER NO.:** 29315

Furthermore, the Examiner acknowledges that Papadopoulos is deficient because it “does not disclose expressly wherein each virtual machine is associated with a different operating system” (see page 4, first full paragraph of the March 30, 2004 office action). The Examiner, however, relies on Johnston *et al.* for disclosing the feature of associating virtual machines with different operating systems (see page 4, first full paragraph of the March 30, 2004 office action). Johnston *et al.* is directed to a remote training system having multiple virtual machines arranged to form a virtual network (see Johnston *et al.*, the Abstract). Johnston *et al.* further provides that “within this virtual environment, a user can reconfigure software and operating system settings as well as test software applications without being required to have the software and hardware resources locally available” (emphasis added, see Johnston *et al.*, the Abstract). Thus, even if Johnston *et al.* discloses the feature of associating virtual machines with different operating systems, Johnston *et al.* is deficient because it fails to teach or suggest two or more virtual machines installed on a single local computer, wherein the two or more virtual machines are implemented using different operating system environments.

In view of the foregoing differences between the independent claims and the cited art, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness based on Papadopoulos in view of Johnston *et al.* As a result, independent claims 1, 7, 14, 21, 27, 34, and 40 are allowable and dependent claims 2-5, 8-12, 15-19, 22-25, 28-32, 35-38 and 41-45 are allowable at least by virtue of their dependency.

Claims 6, 13, 20, 26, 33, 39, and 46 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Papadopoulos/Johnston *et al.* as applied to claims 5, 12, 19, 25, 32, 38, and 45 above, and further in view of Nowlin, Jr. (U.S. 5,953,536). Applicants respectfully traverse this rejection on the following basis.

Claims 6, 13, 20, 26, 33, 39, and 46 depend indirectly from corresponding independent claims 1, 7, 14, 21, 27, 34, and 40, and therefore include the features of these independent claims are recited above. The Examiner acknowledges that Papadopoulos and Johnston *et al.* are deficient because they do not disclose a suspended state file (see page 7, last paragraph of the March 30, 2004 office action). The Examiner relies on Nowlin, Jr. to overcome this deficiency. Nowlin, Jr. is directed to a software-implemented tool for monitoring CPU power usage in a

APPLICANT: David Dean Rowley *et al.*  
SERIAL NO.: 10/060,345  
DOCKET NO.: 23415-012  
CUSTOMER NO.: 29315

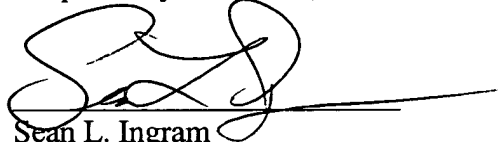
personal computer system. Assuming, *arguendo*, that Nowlin, Jr. in fact discloses a suspended file state, Papadopoulos, Johnston et al., and Nowlin, Jr. remain deficient, both alone and in combination, because they fail to teach or suggest the features of the independent claims as discussed above.

In view of the foregoing differences between the independent claims and the cited art, Applicants respectfully submit that the Examiner has failed to establish a prima facie case of obviousness based on Papadopoulos/Johnston et al. in view of Nowlin, Jr. As a result, dependent claims 6, 13, 20, 26, 33, 39, and 46 are allowable at least by virtue of their dependency from corresponding ones of allowable independent claims 1, 7, 14, 21, 27, 34, and 40.

If the Examiner believes that a telephone conference or interview would advance prosecution of this application in any manner, the undersigned attorney stands ready to conduct such a conference at the convenience of the Examiner.

Dated: July 30, 2004

Respectfully submitted,



Sean L. Ingram

Registration No.: 48,283

(for James G. Gatto, Reg. No. 32,694)

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND  
POPEO, P.C.

12010 Sunset Hills Road, Suite 900

Reston, Virginia 20190

703-464-8140

Customer No.  
29315